

104TH CONGRESS
2D SESSION

H. R. 3136

IN THE SENATE OF THE UNITED STATES

MARCH 28, 1996

Received

AN ACT

To provide for enactment of the Senior Citizens' Right to Work Act of 1996, the Line Item Veto Act, and the Small Business Growth and Fairness Act of 1996, and to provide for a permanent increase in the public debt limit.

1 *Be it enacted by the Senate and House of Representa-*
 2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Contract with America
 5 Advancement Act of 1996”.

6 **TITLE I—SOCIAL SECURITY**
 7 **EARNINGS LIMITATION**
 8 **AMENDMENTS**

9 **SEC. 101. SHORT TITLE OF TITLE.**

10 This title may be cited as the “Senior Citizens’ Right
 11 to Work Act of 1996”.

12 **SEC. 102. INCREASES IN MONTHLY EXEMPT AMOUNT FOR**
 13 **PURPOSES OF THE SOCIAL SECURITY EARN-**
 14 **INGS LIMIT.**

15 (a) INCREASE IN MONTHLY EXEMPT AMOUNT FOR
 16 INDIVIDUALS WHO HAVE ATTAINED RETIREMENT
 17 AGE.—Section 203(f)(8)(D) of the Social Security Act (42
 18 U.S.C. 403(f)(8)(D)) is amended to read as follows:

19 “(D) Notwithstanding any other provision of
 20 this subsection, the exempt amount which is applica-
 21 ble to an individual who has attained retirement age
 22 (as defined in section 216(l)) before the close of the
 23 taxable year involved shall be—

1 “(i) for each month of any taxable year
 2 ending after 1995 and before 1997,
 3 \$1,041.66²/₃,

4 “(ii) for each month of any taxable year
 5 ending after 1996 and before 1998, \$1,125.00,

6 “(iii) for each month of any taxable year
 7 ending after 1997 and before 1999,
 8 \$1,208.33¹/₃,

9 “(iv) for each month of any taxable year
 10 ending after 1998 and before 2000,
 11 \$1,291.66²/₃,

12 “(v) for each month of any taxable year
 13 ending after 1999 and before 2001,
 14 \$1,416.66²/₃,

15 “(vi) for each month of any taxable year
 16 ending after 2000 and before 2002,
 17 \$2,083.33¹/₃, and

18 “(vii) for each month of any taxable year
 19 ending after 2001 and before 2003,
 20 \$2,500.00.”.

21 (b) CONFORMING AMENDMENTS.—

22 (1) Section 203(f)(8)(B)(ii) of such Act (42
 23 U.S.C. 403(f)(8)(B)(ii)) is amended—

24 (A) by striking “the taxable year ending
 25 after 1993 and before 1995” and inserting “the

1 taxable year ending after 2001 and before 2003
 2 (with respect to individuals described in sub-
 3 paragraph (D)) or the taxable year ending after
 4 1993 and before 1995 (with respect to other in-
 5 dividuals)”; and

6 (B) in subclause (II), by striking “for
 7 1992” and inserting “for 2000 (with respect to
 8 individuals described in subparagraph (D)) or
 9 1992 (with respect to other individuals)”.

10 (2) The second sentence of section 223(d)(4)(A)
 11 of such Act (42 U.S.C. 423(d)(4)(A)) is amended by
 12 striking “the exempt amount under section 203(f)(8)
 13 which is applicable to individuals described in sub-
 14 paragraph (D) thereof” and inserting the following:
 15 “an amount equal to the exempt amount which
 16 would be applicable under section 203(f)(8), to indi-
 17 viduals described in subparagraph (D) thereof, if
 18 section 102 of the Senior Citizens’ Right to Work
 19 Act of 1996 had not been enacted”.

20 (c) EFFECTIVE DATE.—The amendments made by
 21 this section shall apply with respect to taxable years end-
 22 ing after 1995.

23 **SEC. 103. CONTINUING DISABILITY REVIEWS.**

24 (a) AUTHORIZATION FOR APPROPRIATIONS FOR CON-
 25 TINUING DISABILITY REVIEWS.—Section 201(g)(1)(A) of

1 the Social Security Act (42 U.S.C. 401(g)(1)(A)) is
2 amended by adding at the end the following: “Of the
3 amounts authorized to be made available out of the Fed-
4 eral Old-Age and Survivors Insurance Trust Fund and the
5 Federal Disability Insurance Trust Fund under the pre-
6 ceding sentence, there are hereby authorized to be made
7 available from either or both of such Trust Funds for con-
8 tinuing disability reviews—

9 “(i) for fiscal year 1996, \$260,000,000;

10 “(ii) for fiscal year 1997, \$360,000,000;

11 “(iii) for fiscal year 1998, \$570,000,000;

12 “(iv) for fiscal year 1999, \$720,000,000;

13 “(v) for fiscal year 2000, \$720,000,000;

14 “(vi) for fiscal year 2001, \$720,000,000; and

15 “(viii) for fiscal year 2002, \$720,000,000.

16 For purposes of this subparagraph, the term ‘continuing
17 disability review’ means a review conducted pursuant to
18 section 221(i) and a review or disability eligibility redeter-
19 mination conducted to determine the continuing disability
20 and eligibility of a recipient of benefits under the supple-
21 mental security income program under title XVI, including
22 any review or redetermination conducted pursuant to sec-
23 tion 207 or 208 of the Social Security Independence and
24 Program Improvements Act of 1994 (Public Law 103-
25 296).”.

1 (b) ADJUSTMENT TO DISCRETIONARY SPENDING
2 LIMITS.—Section 251(b)(2) of the Balanced Budget and
3 Emergency Deficit Control Act of 1985 is amended by
4 adding the following new subparagraph:

5 “(H) CONTINUING DISABILITY REVIEWS.—

6 (i) Whenever a bill or joint resolution making
7 appropriations for fiscal year 1996, 1997, 1998,
8 1999, 2000, 2001, or 2002 is enacted that
9 specifies an amount for continuing disability re-
10 views under the heading ‘Limitation on Admin-
11 istrative Expenses’ for the Social Security Ad-
12 ministration, the adjustments for that fiscal
13 year shall be the additional new budget author-
14 ity provided in that Act for such reviews for
15 that fiscal year and the additional outlays flow-
16 ing from such amounts, but shall not exceed—

17 “(I) for fiscal year 1996, \$15,000,000
18 in additional new budget authority and
19 \$60,000,000 in additional outlays;

20 “(II) for fiscal year 1997,
21 \$25,000,000 in additional new budget au-
22 thority and \$160,000,000 in additional
23 outlays;

24 “(III) for fiscal year 1998,
25 \$145,000,000 in additional new budget au-

1 thority and \$370,000,000 in additional
2 outlays;

3 “(IV) for fiscal year 1999,
4 \$280,000,000 in additional new budget au-
5 thority and \$520,000,000 in additional
6 outlays;

7 “(V) for fiscal year 2000,
8 \$317,500,000 in additional new budget au-
9 thority and \$520,000,000 in additional
10 outlays;

11 “(VI) for fiscal year 2001,
12 \$317,500,000 in additional new budget au-
13 thority and \$520,000,000 in additional
14 outlays; and

15 “(VII) for fiscal year 2002,
16 \$317,500,000 in additional new budget au-
17 thority and \$520,000,000 in additional
18 outlays.

19 “(ii) As used in this subparagraph—

20 “(I) the term ‘continuing disability re-
21 views’ has the meaning given such term by
22 section 201(g)(1)(A) of the Social Security
23 Act;

24 “(II) the term ‘additional new budget
25 authority’ means new budget authority

1 provided for a fiscal year, in excess of
2 \$100,000,000, for the Supplemental Secu-
3 rity Income program and specified to pay
4 for the costs of continuing disability re-
5 views attributable to the Supplemental Se-
6 curity Income program; and

7 “(III) the term ‘additional outlays’
8 means outlays, in excess of \$200,000,000
9 in a fiscal year, flowing from the amounts
10 specified for continuing disability reviews
11 under the heading ‘Limitation on Adminis-
12 trative Expenses’ for the Social Security
13 Administration, including outlays in that
14 fiscal year flowing from amounts specified
15 in Acts enacted for prior fiscal years (but
16 not before 1996).”.

17 (c) BUDGET ALLOCATION ADJUSTMENT BY BUDGET
18 COMMITTEE.—Section 606 of the Congressional Budget
19 and Impoundment Control Act of 1974 is amended by
20 adding the following new subsection:

21 “(e) CONTINUING DISABILITY REVIEW ADJUST-
22 MENT.—

23 “(1) IN GENERAL.—(A) For fiscal year 1996,
24 upon the enactment of the Contract with America
25 Advancement Act of 1996, the Chairmen of the

1 Committees on the Budget of the Senate and House
2 of Representatives shall make the adjustments re-
3 ferred to in subparagraph (C) to reflect \$15,000,000
4 in additional new budget authority and \$60,000,000
5 in additional outlays for continuing disability reviews
6 (as defined in section 201(g)(1)(A) of the Social Se-
7 curity Act).

8 “(B) When the Committee on Appropriations
9 reports an appropriations measure for fiscal year
10 1997, 1998, 1999, 2000, 2001, or 2002 that speci-
11 fies an amount for continuing disability reviews
12 under the heading ‘Limitation on Administrative Ex-
13 penses’ for the Social Security Administration, or
14 when a conference committee submits a conference
15 report thereon, the Chairman of the Committee on
16 the Budget of the Senate or House of Representa-
17 tives (whichever is appropriate) shall make the ad-
18 justments referred to in subparagraph (C) to reflect
19 the additional new budget authority for continuing
20 disability reviews provided in that measure or con-
21 ference report and the additional outlays flowing
22 from such amounts for continuing disability reviews.

23 “(C) The adjustments referred to in this sub-
24 paragraph consist of adjustments to—

1 “(i) the discretionary spending limits for
2 that fiscal year as set forth in the most recently
3 adopted concurrent resolution on the budget;

4 “(ii) the allocations to the Committees on
5 Appropriations of the Senate and the House of
6 Representatives for that fiscal year under sec-
7 tions 302(a) and 602(a); and

8 “(iii) the appropriate budgetary aggregates
9 for that fiscal year in the most recently adopted
10 concurrent resolution on the budget.

11 “(D) The adjustments under this paragraph for
12 any fiscal year shall not exceed the levels set forth
13 in section 251(b)(2)(H) of the Balanced Budget and
14 Emergency Deficit Control Act of 1985 for that fis-
15 cal year. The adjusted discretionary spending limits,
16 allocations, and aggregates under this paragraph
17 shall be considered the appropriate limits, alloca-
18 tions, and aggregates for purposes of congressional
19 enforcement of this Act and concurrent budget reso-
20 lutions under this Act.

21 “(2) REPORTING REVISED SUBALLOCATIONS.—
22 Following the adjustments made under paragraph
23 (1), the Committees on Appropriations of the Senate
24 and the House of Representatives may report appro-
25 priately revised suballocations pursuant to sections

1 302(b) and 602(b) of this Act to carry out this sub-
2 section.

3 “(3) DEFINITIONS.—As used in this section,
4 the terms ‘continuing disability reviews’, ‘additional
5 new budget authority’, and ‘additional outlays’ shall
6 have the same meanings as provided in section
7 251(b)(2)(H)(ii) of the Balanced Budget and Emer-
8 gency Deficit Control Act of 1985.”.

9 (d) USE OF FUNDS AND REPORTS.—

10 (1) IN GENERAL.—The Commissioner of Social
11 Security shall ensure that funds made available for
12 continuing disability reviews (as defined in section
13 201(g)(1)(A) of the Social Security Act) are used, to
14 the greatest extent practicable, to maximize the com-
15 bined savings in the old-age, survivors, and disability
16 insurance, supplemental security income, medicare,
17 and medicaid programs.

18 (2) REPORT.—The Commissioner of Social Se-
19 curity shall provide annually (at the conclusion of
20 each of the fiscal years 1996 through 2002) to the
21 Congress a report on continuing disability reviews
22 which includes—

23 (A) the amount spent on continuing dis-
24 ability reviews in the fiscal year covered by the

1 report, and the number of reviews conducted,
2 by category of review;

3 (B) the results of the continuing disability
4 reviews in terms of cessations of benefits or de-
5 terminations of continuing eligibility, by pro-
6 gram; and

7 (C) the estimated savings over the short-,
8 medium-, and long-term to the old-age, survi-
9 vors, and disability insurance, supplemental se-
10 curity income, medicare, and medicaid pro-
11 grams from continuing disability reviews which
12 result in cessations of benefits and the esti-
13 mated present value of such savings.

14 (e) OFFICE OF CHIEF ACTUARY IN THE SOCIAL SE-
15 CURITY ADMINISTRATION.—

16 (1) IN GENERAL.—Section 702 of the Social
17 Security Act (42 U.S.C. 902) is amended—

18 (A) by redesignating subsections (c) and
19 (d) as subsections (d) and (e), respectively; and

20 (B) by inserting after subsection (b) the
21 following new subsection:

22 “Chief Actuary

23 “(c)(1) There shall be in the Administration a Chief
24 Actuary, who shall be appointed by, and in direct line of
25 authority to, the Commissioner. The Chief Actuary shall

1 be appointed from individuals who have demonstrated, by
 2 their education and experience, superior expertise in the
 3 actuarial sciences. The Chief Actuary shall serve as the
 4 chief actuarial officer of the Administration, and shall ex-
 5 ercise such duties as are appropriate for the office of the
 6 Chief Actuary and in accordance with professional stand-
 7 ards of actuarial independence. The Chief Actuary may
 8 be removed only for cause.

9 “(2) The Chief Actuary shall be compensated at the
 10 highest rate of basic pay for the Senior Executive Service
 11 under section 5382(b) of title 5, United States Code.”.

12 (2) EFFECTIVE DATE OF SUBSECTION.—The
 13 amendments made by this subsection shall take ef-
 14 fect on the date of the enactment of this Act.

15 **SEC. 104. ENTITLEMENT OF STEPCHILDREN TO CHILD’S IN-**
 16 **SURANCE BENEFITS BASED ON ACTUAL DE-**
 17 **PENDENCY ON STEPPARENT SUPPORT.**

18 (a) REQUIREMENT OF ACTUAL DEPENDENCY FOR
 19 FUTURE ENTITLEMENTS.—

20 (1) IN GENERAL.—Section 202(d)(4) of the So-
 21 cial Security Act (42 U.S.C. 402(d)(4)) is amended
 22 by striking “was living with or”.

23 (2) EFFECTIVE DATE.—The amendment made
 24 by paragraph (1) shall apply with respect to benefits
 25 of individuals who become entitled to such benefits

1 for months after the third month following the
2 month in which this Act is enacted.

3 (b) TERMINATION OF CHILD’S INSURANCE BENE-
4 FITS BASED ON WORK RECORD OF STEPPARENT UPON
5 NATURAL PARENT’S DIVORCE FROM STEPPARENT.—

6 (1) IN GENERAL.—Section 202(d)(1) of the So-
7 cial Security Act (42 U.S.C. 402(d)(1)) is amend-
8 ed—

9 (A) by striking “or” at the end of subpara-
10 graph (F);

11 (B) by striking the period at the end of
12 subparagraph (G) and inserting “; or”; and

13 (C) by inserting after subparagraph (G)
14 the following new subparagraph:

15 “(H) if the benefits under this subsection are
16 based on the wages and self-employment income of
17 a stepparent who is subsequently divorced from such
18 child’s natural parent, the month after the month in
19 which such divorce becomes final.”.

20 (2) NOTIFICATION.—Section 202(d) of such Act
21 (42 U.S.C. 402(d)) is amended by adding the follow-
22 ing new paragraph:

23 “(10) For purposes of paragraph (1)(H)—

1 “(A) each stepparent shall notify the Commis-
 2 sioner of Social Security of any divorce upon such
 3 divorce becoming final; and

4 “(B) the Commissioner shall annually notify
 5 any stepparent of the rule for termination described
 6 in paragraph (1)(H) and of the requirement de-
 7 scribed in subparagraph (A).”.

8 (3) EFFECTIVE DATES.—

9 (A) The amendments made by paragraph
 10 (1) shall apply with respect to final divorces oc-
 11 curring after the third month following the
 12 month in which this Act is enacted.

13 (B) The amendment made by paragraph
 14 (2) shall take effect on the date of the enact-
 15 ment of this Act.

16 **SEC. 105. DENIAL OF DISABILITY BENEFITS TO DRUG AD-**
 17 **ICTS AND ALCOHOLICS.**

18 (a) AMENDMENTS RELATING TO TITLE II DISABIL-
 19 ITY BENEFITS.—

20 (1) IN GENERAL.—Section 223(d)(2) of the So-
 21 cial Security Act (42 U.S.C. 423(d)(2)) is amended
 22 by adding at the end the following:

23 “(C) An individual shall not be considered to be
 24 disabled for purposes of this title if alcoholism or
 25 drug addiction would (but for this subparagraph) be

1 a contributing factor material to the Commissioner’s
2 determination that the individual is disabled.”.

3 (2) REPRESENTATIVE PAYEE REQUIRE-
4 MENTS.—

5 (A) Section 205(j)(1)(B) of such Act (42
6 U.S.C. 405(j)(1)(B)) is amended to read as fol-
7 lows:

8 “(B) In the case of an individual entitled to benefits
9 based on disability, the payment of such benefits shall be
10 made to a representative payee if the Commissioner of So-
11 cial Security determines that such payment would serve
12 the interest of the individual because the individual also
13 has an alcoholism or drug addiction condition (as deter-
14 mined by the Commissioner) and the individual is incapa-
15 ble of managing such benefits.”.

16 (B) Section 205(j)(2)(C)(v) of such Act
17 (42 U.S.C. 405(j)(2)(C)(v)) is amended by
18 striking “entitled to benefits” and all that fol-
19 lows through “under a disability” and inserting
20 “described in paragraph (1)(B)”.

21 (C) Section 205(j)(2)(D)(ii)(II) of such
22 Act (42 U.S.C. 405(j)(2)(D)(ii)(II)) is amended
23 by striking all that follows “15 years, or” and
24 inserting “described in paragraph (1)(B).”.

1 (D) Section 205(j)(4)(A)(i)(II) of such Act
2 (42 U.S.C. 405(j)(4)(A)(ii)(II)) is amended by
3 striking “entitled to benefits” and all that fol-
4 lows through “under a disability” and inserting
5 “described in paragraph (1)(B)”.

6 (3) TREATMENT REFERRALS FOR INDIVIDUALS
7 WITH AN ALCOHOLISM OR DRUG ADDICTION CONDI-
8 TION.—Section 222 of such Act (42 U.S.C. 422) is
9 amended by adding at the end the following new
10 subsection:

11 “Treatment Referrals for Individuals with an Alcoholism
12 or Drug Addiction Condition

13 “(e) In the case of any individual whose benefits
14 under this title are paid to a representative payee pursu-
15 ant to section 205(j)(1)(B), the Commissioner of Social
16 Security shall refer such individual to the appropriate
17 State agency administering the State plan for substance
18 abuse treatment services approved under subpart II of
19 part B of title XIX of the Public Health Service Act (42
20 U.S.C. 300x–21 et seq.).”.

21 (4) CONFORMING AMENDMENT.—Subsection (c)
22 of section 225 of such Act (42 U.S.C. 425(c)) is re-
23 pealed.

24 (5) EFFECTIVE DATES.—

1 (A) The amendments made by paragraphs
2 (1) and (4) shall apply to any individual who
3 applies for, or whose claim is finally adjudicated
4 by the Commissioner of Social Security with re-
5 spect to, benefits under title II of the Social Se-
6 curity Act based on disability on or after the
7 date of the enactment of this Act, and, in the
8 case of any individual who has applied for, and
9 whose claim has been finally adjudicated by the
10 Commissioner with respect to, such benefits be-
11 fore such date of enactment, such amendments
12 shall apply only with respect to such benefits
13 for months beginning on or after January 1,
14 1997.

15 (B) The amendments made by paragraphs
16 (2) and (3) shall apply with respect to benefits
17 for which applications are filed after the third
18 month following the month in which this Act is
19 enacted.

20 (C) Within 90 days after the date of the
21 enactment of this Act, the Commissioner of So-
22 cial Security shall notify each individual who is
23 entitled to monthly insurance benefits under
24 title II of the Social Security Act based on dis-
25 ability for the month in which this Act is en-

1 acted and whose entitlement to such benefits
2 would terminate by reason of the amendments
3 made by this subsection. If such an individual
4 reapplies for benefits under title II of such Act
5 (as amended by this Act) based on disability
6 within 120 days after the date of the enactment
7 of this Act, the Commissioner of Social Security
8 shall, not later than January 1, 1997, complete
9 the entitlement redetermination (including a
10 new medical determination) with respect to
11 such individual pursuant to the procedures of
12 such title.

13 (b) AMENDMENTS RELATING TO SSI BENEFITS.—

14 (1) IN GENERAL.—Section 1614(a)(3) of the
15 Social Security Act (42 U.S.C. 1382c(a)(3)) is
16 amended by adding at the end the following:

17 “(I) Notwithstanding subparagraph (A), an individ-
18 ual shall not be considered to be disabled for purposes of
19 this title if alcoholism or drug addiction would (but for
20 this subparagraph) be a contributing factor material to
21 the Commissioner’s determination that the individual is
22 disabled.”.

23 (2) REPRESENTATIVE PAYEE REQUIRE-
24 MENTS.—

1 (A) Section 1631(a)(2)(A)(ii)(II) of such
2 Act (42 U.S.C. 1383(a)(2)(A)(ii)(II)) is amend-
3 ed to read as follows:

4 “(II) In the case of an individual eligible for benefits
5 under this title by reason of disability, the payment of
6 such benefits shall be made to a representative payee if
7 the Commissioner of Social Security determines that such
8 payment would serve the interest of the individual because
9 the individual also has an alcoholism or drug addiction
10 condition (as determined by the Commissioner) and the
11 individual is incapable of managing such benefits.”.

12 (B) Section 1631(a)(2)(B)(vii) of such Act
13 (42 U.S.C. 1383(a)(2)(B)(vii)) is amended by
14 striking “eligible for benefits” and all that fol-
15 lows through “is disabled” and inserting “de-
16 scribed in subparagraph (A)(ii)(II)”.

17 (C) Section 1631(a)(2)(B)(ix)(II) of such
18 Act (42 U.S.C. 1383(a)(2)(B)(ix)(II)) is
19 amended by striking all that follows “15 years,
20 or” and inserting “described in subparagraph
21 (A)(ii)(II).”.

22 (D) Section 1631(a)(2)(D)(i)(II) of such
23 Act (42 U.S.C. 1383(a)(2)(D)(i)(II)) is amend-
24 ed by striking “eligible for benefits” and all

1 that follows through “is disabled” and inserting
2 “described in subparagraph (A)(ii)(II)”.

3 (3) TREATMENT REFERRALS FOR INDIVIDUALS
4 WITH AN ALCOHOLISM OR DRUG ADDICTION CONDI-
5 TION.—Title XVI of such Act (42 U.S.C. 1381 et
6 seq.) is amended by adding at the end the following
7 new section:

8 “TREATMENT REFERRALS FOR INDIVIDUALS WITH AN
9 ALCOHOLISM OR DRUG ADDICTION CONDITION

10 “SEC. 1636. In the case of any individual whose bene-
11 fits under this title are paid to a representative payee pur-
12 suant to section 1631(a)(2)(A)(ii)(II), the Commissioner
13 of Social Security shall refer such individual to the appro-
14 priate State agency administering the State plan for sub-
15 stance abuse treatment services approved under subpart
16 II of part B of title XIX of the Public Health Service Act
17 (42 U.S.C. 300x–21 et seq.).”.

18 (4) CONFORMING AMENDMENTS.—

19 (A) Section 1611(e) of such Act (42
20 U.S.C. 1382(e)) is amended by striking para-
21 graph (3).

22 (B) Section 1634 of such Act (42 U.S.C.
23 1383c) is amended by striking subsection (e).

24 (5) EFFECTIVE DATES.—

25 (A) The amendments made by paragraphs
26 (1) and (4) shall apply to any individual who

1 applies for, or whose claim is finally adjudicated
2 by the Commissioner of Social Security with re-
3 spect to, supplemental security income benefits
4 under title XVI of the Social Security Act based
5 on disability on or after the date of the enact-
6 ment of this Act, and, in the case of any indi-
7 vidual who has applied for, and whose claim has
8 been finally adjudicated by the Commissioner
9 with respect to, such benefits before such date
10 of enactment, such amendments shall apply
11 only with respect to such benefits for months
12 beginning on or after January 1, 1997.

13 (B) The amendments made by paragraphs
14 (2) and (3) shall apply with respect to supple-
15 mental security income benefits under title XVI
16 of the Social Security Act for which applica-
17 tions are filed after the third month following
18 the month in which this Act is enacted.

19 (C) Within 90 days after the date of the
20 enactment of this Act, the Commissioner of So-
21 cial Security shall notify each individual who is
22 eligible for supplemental security income bene-
23 fits under title XVI of the Social Security Act
24 for the month in which this Act is enacted and
25 whose eligibility for such benefits would termi-

1 nate by reason of the amendments made by this
2 subsection. If such an individual reapplies for
3 supplemental security income benefits under
4 title XVI of such Act (as amended by this Act)
5 within 120 days after the date of the enactment
6 of this Act, the Commissioner of Social Security
7 shall, not later than January 1, 1997, complete
8 the eligibility redetermination (including a new
9 medical determination) with respect to such in-
10 dividual pursuant to the procedures of such
11 title.

12 (D) For purposes of this paragraph, the
13 phrase “supplemental security income benefits
14 under title XVI of the Social Security Act” in-
15 cludes supplementary payments pursuant to an
16 agreement for Federal administration under
17 section 1616(a) of the Social Security Act and
18 payments pursuant to an agreement entered
19 into under section 212(b) of Public Law 93–66.

20 (c) CONFORMING AMENDMENT.—Section 201(c) of
21 the Social Security Independence and Program Improve-
22 ments Act of 1994 (42 U.S.C. 425 note) is repealed.

23 (d) SUPPLEMENTAL FUNDING FOR ALCOHOL AND
24 SUBSTANCE ABUSE TREATMENT PROGRAMS.—

1 (1) IN GENERAL.—Out of any money in the
2 Treasury not otherwise appropriated, there are here-
3 by appropriated to supplement State and Tribal pro-
4 grams funded under section 1933 of the Public
5 Health Service Act (42 U.S.C. 300x-33),
6 \$50,000,000 for each of the fiscal years 1997 and
7 1998.

8 (2) ADDITIONAL FUNDS.—Amounts appro-
9 priated under paragraph (1) shall be in addition to
10 any funds otherwise appropriated for allotments
11 under section 1933 of the Public Health Service Act
12 (42 U.S.C. 300x-33) and shall be allocated pursuant
13 to such section 1933.

14 (3) USE OF FUNDS.—A State or Tribal govern-
15 ment receiving an allotment under this subsection
16 shall consider as priorities, for purposes of expend-
17 ing funds allotted under this subsection, activities
18 relating to the treatment of the abuse of alcohol and
19 other drugs.

20 **SEC. 106. PILOT STUDY OF EFFICACY OF PROVIDING INDI-**
21 **VIDUALIZED INFORMATION TO RECIPIENTS**
22 **OF OLD-AGE AND SURVIVORS INSURANCE**
23 **BENEFITS.**

24 (a) IN GENERAL.—During a 2-year period beginning
25 as soon as practicable in 1996, the Commissioner of Social

1 Security shall conduct a pilot study of the efficacy of pro-
2 viding certain individualized information to recipients of
3 monthly insurance benefits under section 202 of the Social
4 Security Act, designed to promote better understanding
5 of their contributions and benefits under the social secu-
6 rity system. The study shall involve solely beneficiaries
7 whose entitlement to such benefits first occurred in or
8 after 1984 and who have remained entitled to such bene-
9 fits for a continuous period of not less than 5 years. The
10 number of such recipients involved in the study shall be
11 of sufficient size to generate a statistically valid sample
12 for purposes of the study, but shall not exceed 600,000
13 beneficiaries.

14 (b) ANNUALIZED STATEMENTS.—During the course
15 of the study, the Commissioner shall provide to each of
16 the beneficiaries involved in the study one annualized
17 statement, setting forth the following information:

- 18 (1) an estimate of the aggregate wages and
19 self-employment income earned by the individual on
20 whose wages and self-employment income the benefit
21 is based, as shown on the records of the Commis-
22 sioner as of the end of the last calendar year ending
23 prior to the beneficiary's first month of entitlement;
- 24 (2) an estimate of the aggregate of the em-
25 ployee and self-employment contributions, and the

1 aggregate of the employer contributions (separately
2 identified), made with respect to the wages and self-
3 employment income on which the benefit is based, as
4 shown on the records of the Commissioner as of the
5 end of the calendar year preceding the beneficiary's
6 first month of entitlement; and

7 (3) an estimate of the total amount paid as
8 benefits under section 202 of the Social Security Act
9 based on such wages and self-employment income, as
10 shown on the records of the Commissioner as of the
11 end of the last calendar year preceding the issuance
12 of the statement for which complete information is
13 available.

14 (c) INCLUSION WITH MATTER OTHERWISE DISTRIB-
15 UTED TO BENEFICIARIES.—The Commissioner shall en-
16 sure that reports provided pursuant to this section are,
17 to the maximum extent practicable, included with other
18 reports currently provided to beneficiaries on an annual
19 basis.

20 (d) REPORT TO THE CONGRESS.—The Commissioner
21 shall report to each House of the Congress regarding the
22 results of the pilot study conducted pursuant to this sec-
23 tion not later than 60 days after the completion of such
24 study.

1 **SEC. 107. PROTECTION OF SOCIAL SECURITY AND MEDI-**
2 **CARE TRUST FUNDS.**

3 (a) IN GENERAL.—Part A of title XI of the Social
4 Security Act (42 U.S.C. 1301 et seq.) is amended by add-
5 ing at the end the following new section:

6 “PROTECTION OF SOCIAL SECURITY AND MEDICARE
7 TRUST FUNDS

8 “SEC. 1145. (a) IN GENERAL.—No officer or em-
9 ployee of the United States shall—

10 “(1) delay the deposit of any amount into (or
11 delay the credit of any amount to) any Federal fund
12 or otherwise vary from the normal terms, proce-
13 dures, or timing for making such deposits or credits,

14 “(2) refrain from the investment in public debt
15 obligations of amounts in any Federal fund, or

16 “(3) redeem prior to maturity amounts in any
17 Federal fund which are invested in public debt obli-
18 gations for any purpose other than the payment of
19 benefits or administrative expenses from such Fed-
20 eral fund.

21 “(b) PUBLIC DEBT OBLIGATION.—For purposes of
22 this section, the term ‘public debt obligation’ means any
23 obligation subject to the public debt limit established
24 under section 3101 of title 31, United States Code.

25 “(c) FEDERAL FUND.—For purposes of this section,
26 the term ‘Federal fund’ means—

1 “(1) the Federal Old-Age and Survivors Insur-
2 ance Trust Fund;

3 “(2) the Federal Disability Insurance Trust
4 Fund;

5 “(3) the Federal Hospital Insurance Trust
6 Fund; and

7 “(4) the Federal Supplementary Medical Insur-
8 ance Trust Fund.”.

9 (b) EFFECTIVE DATE.—The amendment made by
10 this section shall take effect on the date of the enactment
11 of this Act.

12 **SEC. 108. PROFESSIONAL STAFF FOR THE SOCIAL SECU-**
13 **RITY ADVISORY BOARD.**

14 Section 703(i) of the Social Security Act (42
15 U.S.C. 903(i)) is amended in the first sentence by insert-
16 ing after “Staff Director” the following: “, and three pro-
17 fessional staff members one of whom shall be appointed
18 from among individuals approved by the members of the
19 Board who are not members of the political party rep-
20 resented by the majority of the Board,”.

21 **TITLE II—SMALL BUSINESS**
22 **REGULATORY FAIRNESS**

23 **SEC. 201. SHORT TITLE.**

24 This title may be cited as the “Small Business Regu-
25 latory Enforcement Fairness Act of 1996”.

1 **SEC. 202. FINDINGS.**

2 Congress finds that—

3 (1) a vibrant and growing small business sector
4 is critical to creating jobs in a dynamic economy;

5 (2) small businesses bear a disproportionate
6 share of regulatory costs and burdens;

7 (3) fundamental changes that are needed in the
8 regulatory and enforcement culture of Federal agen-
9 cies to make agencies more responsive to small busi-
10 ness can be made without compromising the statu-
11 tory missions of the agencies;

12 (4) three of the top recommendations of the
13 1995 White House Conference on Small Business in-
14 volve reforms to the way government regulations are
15 developed and enforced, and reductions in govern-
16 ment paperwork requirements;

17 (5) the requirements of chapter 6 of title 5,
18 United States Code, have too often been ignored by
19 government agencies, resulting in greater regulatory
20 burdens on small entities than necessitated by stat-
21 ute; and

22 (6) small entities should be given the oppor-
23 tunity to seek judicial review of agency actions re-
24 quired by chapter 6 of title 5, United States Code.

25 **SEC. 203. PURPOSES.**

26 The purposes of this title are—

1 (1) to implement certain recommendations of
2 the 1995 White House Conference on Small Busi-
3 ness regarding the development and enforcement of
4 Federal regulations;

5 (2) to provide for judicial review of chapter 6
6 of title 5, United States Code;

7 (3) to encourage the effective participation of
8 small businesses in the Federal regulatory process;

9 (4) to simplify the language of Federal regula-
10 tions affecting small businesses;

11 (5) to develop more accessible sources of infor-
12 mation on regulatory and reporting requirements for
13 small businesses;

14 (6) to create a more cooperative regulatory en-
15 vironment among agencies and small businesses that
16 is less punitive and more solution-oriented; and

17 (7) to make Federal regulators more account-
18 able for their enforcement actions by providing small
19 entities with a meaningful opportunity for redress of
20 excessive enforcement activities.

21 **Subtitle A—Regulatory Compliance** 22 **Simplification**

23 **SEC. 211. DEFINITIONS.**

24 For purposes of this subtitle—

1 (1) the terms “rule” and “small entity” have
2 the same meanings as in section 601 of title 5, United
3 States Code;

4 (2) the term “agency” has the same meaning as
5 in section 551 of title 5, United States Code; and

6 (3) the term “small entity compliance guide”
7 means a document designated as such by an agency.

8 **SEC. 212. COMPLIANCE GUIDES.**

9 (a) COMPLIANCE GUIDE.—For each rule or group of
10 related rules for which an agency is required to prepare
11 a final regulatory flexibility analysis under section 604 of
12 title 5, United States Code, the agency shall publish one
13 or more guides to assist small entities in complying with
14 the rule, and shall designate such publications as “small
15 entity compliance guides”. The guides shall explain the ac-
16 tions a small entity is required to take to comply with a
17 rule or group of rules. The agency shall, in its sole discre-
18 tion, taking into account the subject matter of the rule
19 and the language of relevant statutes, ensure that the
20 guide is written using sufficiently plain language likely to
21 be understood by affected small entities. Agencies may
22 prepare separate guides covering groups or classes of simi-
23 larly affected small entities, and may cooperate with asso-
24 ciations of small entities to develop and distribute such
25 guides.

1 (b) COMPREHENSIVE SOURCE OF INFORMATION.—

2 Agencies shall cooperate to make available to small enti-
3 ties through comprehensive sources of information, the
4 small entity compliance guides and all other available in-
5 formation on statutory and regulatory requirements af-
6 fecting small entities.

7 (c) LIMITATION ON JUDICIAL REVIEW.—An agency’s

8 small entity compliance guide shall not be subject to judi-
9 cial review, except that in any civil or administrative ac-
10 tion against a small entity for a violation occurring after
11 the effective date of this section, the content of the small
12 entity compliance guide may be considered as evidence of
13 the reasonableness or appropriateness of any proposed
14 fines, penalties or damages.

15 **SEC. 213. INFORMAL SMALL ENTITY GUIDANCE.**

16 (a) GENERAL.—Whenever appropriate in the interest
17 of administering statutes and regulations within the juris-
18 diction of an agency which regulates small entities, it shall
19 be the practice of the agency to answer inquiries by small
20 entities concerning information on, and advice about, com-
21 pliance with such statutes and regulations, interpreting
22 and applying the law to specific sets of facts supplied by
23 the small entity. In any civil or administrative action
24 against a small entity, guidance given by an agency apply-
25 ing the law to facts provided by the small entity may be

1 considered as evidence of the reasonableness or appro-
2 priateness of any proposed fines, penalties or damages
3 sought against such small entity.

4 (b) PROGRAM.—Each agency regulating the activities
5 of small entities shall establish a program for responding
6 to such inquiries no later than 1 year after enactment of
7 this section, utilizing existing functions and personnel of
8 the agency to the extent practicable.

9 (c) REPORTING.—Each agency regulating the activi-
10 ties of small business shall report to the Committee on
11 Small Business and Committee on Governmental Affairs
12 of the Senate and the Committee on Small Business and
13 Committee on the Judiciary of the House of Representa-
14 tives no later than 2 years after the date of the enactment
15 of this section on the scope of the agency’s program, the
16 number of small entities using the program, and the
17 achievements of the program to assist small entity compli-
18 ance with agency regulations.

19 **SEC. 214. SERVICES OF SMALL BUSINESS DEVELOPMENT**
20 **CENTERS.**

21 (a) Section 21(c)(3) of the Small Business Act (15
22 U.S.C. 648(c)(3)) is amended—

23 (1) in subparagraph (O), by striking “and” at
24 the end;

1 (2) in subparagraph (P), by striking the period
2 at the end and inserting a semicolon; and

3 (3) by inserting after subparagraph (P) the fol-
4 lowing new subparagraphs:

5 “(Q) providing information to small busi-
6 ness concerns regarding compliance with regu-
7 latory requirements; and

8 “(R) developing informational publications,
9 establishing resource centers of reference mate-
10 rials, and distributing compliance guides pub-
11 lished under section 312(a) of the Small Busi-
12 ness Regulatory Enforcement Fairness Act of
13 1996.”.

14 (b) Nothing in this Act in any way affects or limits
15 the ability of other technical assistance or extension pro-
16 grams to perform or continue to perform services related
17 to compliance assistance.

18 **SEC. 215. COOPERATION ON GUIDANCE.**

19 Agencies may, to the extent resources are available
20 and where appropriate, in cooperation with the states, de-
21 velop guides that fully integrate requirements of both Fed-
22 eral and state regulations where regulations within an
23 agency’s area of interest at the Federal and state levels
24 impact small entities. Where regulations vary among the

1 states, separate guides may be created for separate states
2 in cooperation with State agencies.

3 **SEC. 216. EFFECTIVE DATE.**

4 This subtitle and the amendments made by this sub-
5 title shall take effect on the expiration of 90 days after
6 the date of enactment of this subtitle.

7 **Subtitle B—Regulatory**
8 **Enforcement Reforms**

9 **SEC. 221. DEFINITIONS.**

10 For purposes of this subtitle—

11 (1) the terms “rule” and “small entity” have
12 the same meanings as in section 601 of title 5, Unit-
13 ed States Code;

14 (2) the term “agency” has the same meaning as
15 in section 551 of title 5, United States Code; and

16 (3) the term “small entity compliance guide”
17 means a document designated as such by an agency.

18 **SEC. 222. SMALL BUSINESS AND AGRICULTURE ENFORCE-**
19 **MENT OMBUDSMAN.**

20 The Small Business Act (15 U.S.C. 631 et seq.) is
21 amended—

22 (1) by redesignating section 30 as section 31;
23 and

24 (2) by inserting after section 29 the following
25 new section:

1 **“SEC. 30. OVERSIGHT OF REGULATORY ENFORCEMENT.**

2 “(a) DEFINITIONS.—For purposes of this section, the
3 term—

4 “(1) “Board” means a Regional Small Business
5 Regulatory Fairness Board established under sub-
6 section (c); and

7 “(2) “Ombudsman” means the Small Business
8 and Agriculture Regulatory Enforcement Ombuds-
9 man designated under subsection (b).

10 “(b) SBA ENFORCEMENT OMBUDSMAN.—

11 “(1) Not later than 180 days after the date of
12 enactment of this section, the Administrator shall
13 designate a Small Business and Agriculture Regu-
14 latory Enforcement Ombudsman, who shall report
15 directly to the Administrator, utilizing personnel of
16 the Small Business Administration to the extent
17 practicable. Other agencies shall assist the Ombuds-
18 man and take actions as necessary to ensure compli-
19 ance with the requirements of this section. Nothing
20 in this section is intended to replace or diminish the
21 activities of any Ombudsman or similar office in any
22 other agency.

23 “(2) The Ombudsman shall—

24 “(A) work with each agency with regu-
25 latory authority over small businesses to ensure
26 that small business concerns that receive or are

1 subject to an audit, on-site inspection, compli-
2 ance assistance effort, or other enforcement re-
3 lated communication or contact by agency per-
4 sonnel are provided with a means to comment
5 on the enforcement activity conducted by such
6 personnel;

7 “(B) establish means to receive comments
8 from small business concerns regarding actions
9 by agency employees conducting compliance or
10 enforcement activities with respect to the small
11 business concern, means to refer comments to
12 the Inspector General of the affected agency in
13 the appropriate circumstances, and otherwise
14 seek to maintain the identity of the person and
15 small business concern making such comments
16 on a confidential basis to the same extent as
17 employee identities are protected under section
18 7 of the Inspector General Act of 1978 (5
19 U.S.C.App.);

20 “(C) based on substantiated comments re-
21 ceived from small business concerns and the
22 Boards, annually report to Congress and af-
23 fected agencies evaluating the enforcement ac-
24 tivities of agency personnel including a rating of
25 the responsiveness to small business of the var-

1 ious regional and program offices of each agen-
2 cy;

3 “(D) coordinate and report annually on the
4 activities, findings and recommendations of the
5 Boards to the Administrator and to the heads
6 of affected agencies; and

7 “(E) provide the affected agency with an
8 opportunity to comment on draft reports pre-
9 pared under subparagraph (C), and include a
10 section of the final report in which the affected
11 agency may make such comments as are not
12 addressed by the Ombudsman in revisions to
13 the draft.

14 “(c) REGIONAL SMALL BUSINESS REGULATORY
15 FAIRNESS BOARDS.—

16 “(1) Not later than 180 days after the date of
17 enactment of this section, the Administrator shall
18 establish a Small Business Regulatory Fairness
19 Board in each regional office of the Small Business
20 Administration.

21 “(2) Each Board established under paragraph
22 (1) shall—

23 “(A) meet at least annually to advise the
24 Ombudsman on matters of concern to small

1 businesses relating to the enforcement activities
2 of agencies;

3 “(B) report to the Ombudsman on sub-
4 stantiated instances of excessive enforcement
5 actions of agencies against small business con-
6 cerns including any findings or recommenda-
7 tions of the Board as to agency enforcement
8 policy or practice; and

9 “(C) prior to publication, provide comment
10 on the annual report of the Ombudsman pre-
11 pared under subsection (b).

12 “(3) Each Board shall consist of five members,
13 who are owners, operators, or officers of small busi-
14 ness concerns, appointed by the Administrator, after
15 receiving the recommendations of the chair and
16 ranking minority member of the Committees on
17 Small Business of the House of Representatives and
18 the Senate. Not more than three of the Board mem-
19 bers shall be of the same political party. No member
20 shall be an officer or employee of the Federal Gov-
21 ernment, in either the executive branch or the Con-
22 gress.

23 “(4) Members of the Board shall serve at the
24 pleasure of the Administrator for terms of three
25 years or less.

1 “(5) The Administrator shall select a chair
2 from among the members of the Board who shall
3 serve at the pleasure of the Administrator for not
4 more than 1 year as chair.

5 “(6) A majority of the members of the Board
6 shall constitute a quorum for the conduct of busi-
7 ness, but a lesser number may hold hearings.

8 “(d) POWERS OF THE BOARDS.

9 “(1) The Board may hold such hearings and
10 collect such information as appropriate for carrying
11 out this section.

12 “(2) The Board may use the United States
13 mails in the same manner and under the same con-
14 ditions as other departments and agencies of the
15 Federal Government.

16 “(3) The Board may accept donations of serv-
17 ices necessary to conduct its business, provided that
18 the donations and their sources are disclosed by the
19 Board.

20 “(4) Members of the Board shall serve without
21 compensation, provided that, members of the Board
22 shall be allowed travel expenses, including per diem
23 in lieu of subsistence, at rates authorized for em-
24 ployees of agencies under subchapter I of chapter 57
25 of title 5, United States Code, while away from their

1 homes or regular places of business in the perform-
2 ance of services for the Board.”.

3 **SEC. 223. RIGHTS OF SMALL ENTITIES IN ENFORCEMENT**
4 **ACTIONS.**

5 (a) IN GENERAL.—Each agency regulating the activi-
6 ties of small entities shall establish a policy or program
7 within 1 year of enactment of this section to provide for
8 the reduction, and under appropriate circumstances for
9 the waiver, of civil penalties for violations of a statutory
10 or regulatory requirement by a small entity. Under appro-
11 priate circumstances, an agency may consider ability to
12 pay in determining penalty assessments on small entities.

13 (b) CONDITIONS AND EXCLUSIONS.—Subject to the
14 requirements or limitations of other statutes, policies or
15 programs established under this section shall contain con-
16 ditions or exclusions which may include, but shall not be
17 limited to—

18 (1) requiring the small entity to correct the vio-
19 lation within a reasonable correction period;

20 (2) limiting the applicability to violations dis-
21 covered through participation by the small entity in
22 a compliance assistance or audit program operated
23 or supported by the agency or a state;

24 (3) excluding small entities that have been sub-
25 ject to multiple enforcement actions by the agency;

1 (4) excluding violations involving willful or
2 criminal conduct;

3 (5) excluding violations that pose serious
4 health, safety or environmental threats; and

5 (6) requiring a good faith effort to comply with
6 the law.

7 (c) REPORTING.—Agencies shall report to the Com-
8 mittee on Small Business and Committee on Govern-
9 mental Affairs of the Senate and the Committee on Small
10 Business and Committee on Judiciary of the House of
11 Representatives no later than 2 years after the date of
12 enactment of this section on the scope of their program
13 or policy, the number of enforcement actions against small
14 entities that qualified or failed to qualify for the program
15 or policy, and the total amount of penalty reductions and
16 waivers.

17 **SEC. 224. EFFECTIVE DATE.**

18 This subtitle and the amendments made by this sub-
19 title shall take effect on the expiration of 90 days after
20 the date of enactment of this subtitle.

1 **Subtitle C—Equal Access to Justice**
2 **Act Amendments**

3 **SEC. 231. ADMINISTRATIVE PROCEEDINGS.**

4 (a) Section 504(a) of title 5, United States Code, is
5 amended by adding at the end the following new para-
6 graph:

7 “(4) If, in an adversary adjudication arising from an
8 agency action to enforce a party’s compliance with a statu-
9 tory or regulatory requirement, the demand by the agency
10 is substantially in excess of the decision of the adjudicative
11 officer and is unreasonable when compared with such deci-
12 sion, under the facts and circumstances of the case, the
13 adjudicative officer shall award to the party the fees and
14 other expenses related to defending against the excessive
15 demand, unless the party has committed a willful violation
16 of law or otherwise acted in bad faith, or special cir-
17 cumstances make an award unjust. Fees and expenses
18 awarded under this paragraph shall be paid only as a con-
19 sequence of appropriations provided in advance.”.

20 (b) Section 504(b) of title 5, United States Code, is
21 amended—

22 (1) in paragraph (1)(A), by striking “\$75” and
23 inserting “\$125”;

1 (2) at the end of paragraph (1)(B), by inserting
2 before the semicolon “or for purposes of subsection
3 (a)(4), a small entity as defined in section 601”;

4 (3) at the end of paragraph (1)(D), by striking
5 “and”;

6 (4) at the end of paragraph (1)(E), by striking
7 the period and inserting “; and”; and

8 (5) at the end of paragraph (1), by adding the
9 following new subparagraph:

10 “(F) ‘demand’ means the express demand of
11 the agency which led to the adversary adjudication,
12 but does not include a recitation by the agency of
13 the maximum statutory penalty (i) in the adminis-
14 trative complaint, or (ii) elsewhere when accom-
15 panied by an express demand for a lesser amount.”.

16 **SEC. 232. JUDICIAL PROCEEDINGS.**

17 (a) Section 2412(d)(1) of title 28, United States
18 Code, is amended by adding at the end the following new
19 subparagraph:

20 “(D) If, in a civil action brought by the United States
21 or a proceeding for judicial review of an adversary adju-
22 dication described in section 504(a)(4) of title 5, the de-
23 mand by the United States is substantially in excess of
24 the judgment finally obtained by the United States and
25 is unreasonable when compared with such judgment,

1 under the facts and circumstances of the case, the court
2 shall award to the party the fees and other expenses relat-
3 ed to defending against the excessive demand, unless the
4 party has committed a willful violation of law or otherwise
5 acted in bad faith, or special circumstances make an
6 award unjust. Fees and expenses awarded under this sub-
7 paragraph shall be paid only as a consequence of appro-
8 priations provided in advance.”.

9 (b) Section 2412(d) of title 28, United States Code,
10 is amended—

11 (1) in paragraph (2)(A), by striking “\$75” and
12 inserting “\$125”;

13 (2) at the end of paragraph (2)(B), by inserting
14 before the semicolon “or for purposes of subsection
15 (d)(1)(D), a small entity as defined in section 601
16 of title 5”;

17 (3) at the end of paragraph (2)(G), by striking
18 “and”;

19 (4) at the end of paragraph (2)(H), by striking
20 the period and inserting “; and”; and

21 (5) at the end of paragraph (2), by adding the
22 following new subparagraph:

23 “(I) ‘demand’ means the express demand of the
24 United States which led to the adversary adjudica-
25 tion, but shall not include a recitation of the maxi-

1 mum statutory penalty (i) in the complaint, or (ii)
 2 elsewhere when accompanied by an express demand
 3 for a lesser amount.”.

4 **SEC. 233. EFFECTIVE DATE.**

5 The amendments made by sections 331 and 332 shall
 6 apply to civil actions and adversary adjudications com-
 7 menced on or after the date of the enactment of this sub-
 8 title.

9 **Subtitle D—Regulatory Flexibility**
 10 **Act Amendments**

11 **SEC. 241. REGULATORY FLEXIBILITY ANALYSES.**

12 (a) INITIAL REGULATORY FLEXIBILITY ANALYSIS.—

13 (1) SECTION 603.—Section 603(a) of title 5,
 14 United States Code, is amended—

15 (A) by inserting after “proposed rule”, the
 16 phrase “, or publishes a notice of proposed rule-
 17 making for an interpretative rule involving the
 18 internal revenue laws of the United States”;
 19 and

20 (B) by inserting at the end of the sub-
 21 section, the following new sentence: “In the
 22 case of an interpretative rule involving the in-
 23 ternal revenue laws of the United States, this
 24 chapter applies to interpretative rules published
 25 in the Federal Register for codification in the

1 Code of Federal Regulations, but only to the
2 extent that such interpretative rules impose on
3 small entities a collection of information re-
4 quirement.”.

5 (2) SECTION 601.—Section 601 of title 5, Unit-
6 ed States Code, is amended by striking “and” at the
7 end of paragraph (5), by striking the period at the
8 end of paragraph (6) and inserting “; and”, and by
9 adding at the end the following:

10 “(7) the term ‘collection of information’—

11 “(A) means the obtaining, causing to be
12 obtained, soliciting, or requiring the disclosure
13 to third parties or the public, of facts or opin-
14 ions by or for an agency, regardless of form or
15 format, calling for either—

16 “(i) answers to identical questions
17 posed to, or identical reporting or record-
18 keeping requirements imposed on, 10 or
19 more persons, other than agencies, instru-
20 mentalities, or employees of the United
21 States; or

22 “(ii) answers to questions posed to
23 agencies, instrumentalities, or employees of
24 the United States which are to be used for
25 general statistical purposes; and

1 “(B) shall not include a collection of infor-
2 mation described under section 3518(c)(1) of
3 title 44, United States Code.

4 “(8) RECORDKEEPING REQUIREMENT.—The
5 term ‘recordkeeping requirement’ means a require-
6 ment imposed by an agency on persons to maintain
7 specified records.

8 (b) FINAL REGULATORY FLEXIBILITY ANALYSIS.—
9 Section 604 of title 5, United States Code, is amended—
10 (1) in subsection (a) to read as follows:

11 “(a) When an agency promulgates a final rule under
12 section 553 of this title, after being required by that sec-
13 tion or any other law to publish a general notice of pro-
14 posed rulemaking, or promulgates a final interpretative
15 rule involving the internal revenue laws of the United
16 States as described in section 603(a), the agency shall pre-
17 pare a final regulatory flexibility analysis. Each final regu-
18 latory flexibility analysis shall contain—

19 “(1) a succinct statement of the need for, and
20 objectives of, the rule;

21 “(2) a summary of the significant issues raised
22 by the public comments in response to the initial
23 regulatory flexibility analysis, a summary of the as-
24 sessment of the agency of such issues, and a state-

1 ment of any changes made in the proposed rule as
2 a result of such comments;

3 “(3) a description of and an estimate of the
4 number of small entities to which the rule will apply
5 or an explanation of why no such estimate is avail-
6 able;

7 “(4) a description of the projected reporting,
8 record keeping and other compliance requirements of
9 the rule, including an estimate of the classes of
10 small entities which will be subject to the require-
11 ment and the type of professional skills necessary
12 for preparation of the report or record; and

13 “(5) a description of the steps the agency has
14 taken to minimize the significant economic impact
15 on small entities consistent with the stated objectives
16 of applicable statutes, including a statement of the
17 factual, policy, and legal reasons for selecting the al-
18 ternative adopted in the final rule and why each one
19 of the other significant alternatives to the rule con-
20 sidered by the agency which affect the impact on
21 small entities was rejected.”; and

22 (2) in subsection (b), by striking “at the time”
23 and all that follows and inserting “such analysis or
24 a summary thereof.”.

1 **SEC. 242. JUDICIAL REVIEW.**

2 Section 611 of title 5, United States Code, is amend-
3 ed to read as follows:

4 **“§ 611. Judicial review**

5 “(a)(1) For any rule subject to this chapter, a small
6 entity that is adversely affected or aggrieved by final agen-
7 cy action is entitled to judicial review of agency compliance
8 with the requirements of sections 601, 604, 605(b),
9 608(b), and 610 in accordance with chapter 7. Agency
10 compliance with sections 607 and 609(a) shall be judicially
11 reviewable in connection with judicial review of section
12 604.

13 “(2) Each court having jurisdiction to review such
14 rule for compliance with section 553, or under any other
15 provision of law, shall have jurisdiction to review any
16 claims of noncompliance with sections 601, 604, 605(b),
17 608(b), and 610 in accordance with chapter 7. Agency
18 compliance with sections 607 and 609(a) shall be judicially
19 reviewable in connection with judicial review of section
20 604.

21 “(3)(A) A small entity may seek such review during
22 the period beginning on the date of final agency action
23 and ending one year later, except that where a provision
24 of law requires that an action challenging a final agency
25 action be commenced before the expiration of one year,

1 such lesser period shall apply to an action for judicial re-
2 view under this section.

3 “(B) In the case where an agency delays the issuance
4 of a final regulatory flexibility analysis pursuant to section
5 608(b) of this chapter, an action for judicial review under
6 this section shall be filed not later than—

7 “(i) one year after the date the analysis is made
8 available to the public, or

9 “(ii) where a provision of law requires that an
10 action challenging a final agency regulation be com-
11 menced before the expiration of the 1-year period,
12 the number of days specified in such provision of law
13 that is after the date the analysis is made available
14 to the public.

15 “(4) In granting any relief in an action under this
16 section, the court shall order the agency to take corrective
17 action consistent with this chapter and chapter 7, includ-
18 ing, but not limited to—

19 “(A) remanding the rule to the agency, and

20 “(B) deferring the enforcement of the rule
21 against small entities unless the court finds that
22 continued enforcement of the rule is in the public in-
23 terest.

24 “(5) Nothing in this subsection shall be construed to
25 limit the authority of any court to stay the effective date

1 of any rule or provision thereof under any other provision
2 of law or to grant any other relief in addition to the re-
3 quirements of this section.

4 “(b) In an action for the judicial review of a rule,
5 the regulatory flexibility analysis for such rule, including
6 an analysis prepared or corrected pursuant to paragraph
7 (a)(4), shall constitute part of the entire record of agency
8 action in connection with such review.

9 “(c) Compliance or noncompliance by an agency with
10 the provisions of this chapter shall be subject to judicial
11 review only in accordance with this section.

12 “(d) Nothing in this section bars judicial review of
13 any other impact statement or similar analysis required
14 by any other law if judicial review of such statement or
15 analysis is otherwise permitted by law.”.

16 **SEC. 243. TECHNICAL AND CONFORMING AMENDMENTS.**

17 (a) Section 605(b) of title 5, United States Code, is
18 amended to read as follows:

19 “(b) Sections 603 and 604 of this title shall not apply
20 to any proposed or final rule if the head of the agency
21 certifies that the rule will not, if promulgated, have a sig-
22 nificant economic impact on a substantial number of small
23 entities. If the head of the agency makes a certification
24 under the preceding sentence, the agency shall publish
25 such certification in the Federal Register at the time of

1 publication of general notice of proposed rulemaking for
2 the rule or at the time of publication of the final rule,
3 along with a statement providing the factual basis for such
4 certification. The agency shall provide such certification
5 and statement to the Chief Counsel for Advocacy of the
6 Small Business Administration.”.

7 (b) Section 612 of title 5, United States Code is
8 amended—

9 (1) in subsection (a), by striking “the commit-
10 tees on the Judiciary of the Senate and the House
11 of Representatives, the Select Committee on Small
12 Business of the Senate, and the Committee on Small
13 Business of the House of Representatives” and in-
14 serting “the Committees on the Judiciary and Small
15 Business of the Senate and House of Representa-
16 tives”.

17 (2) in subsection (b), by striking “his views
18 with respect to the” and inserting in lieu thereof,
19 “his or her views with respect to compliance with
20 this chapter, the adequacy of the rulemaking record
21 with respect to small entities and the”.

22 **SEC. 244. SMALL BUSINESS ADVOCACY REVIEW PANELS.**

23 (a) SMALL BUSINESS OUTREACH AND INTERAGENCY
24 COORDINATION.— Section 609 of title 5, United States
25 Code is amended—

1 (1) before “techniques,” by inserting “the rea-
2 sonable use of”;

3 (2) in paragraph (4), after “entities” by insert-
4 ing “including soliciting and receiving comments
5 over computer networks”;

6 (3) by designating the current text as sub-
7 section (a); and

8 (4) by adding the following:

9 “(b) Prior to publication of an initial regulatory flexi-
10 bility analysis which a covered agency is required to con-
11 duct by this chapter—

12 “(1) a covered agency shall notify the Chief
13 Counsel for Advocacy of the Small Business Admin-
14 istration and provide the Chief Counsel with infor-
15 mation on the potential impacts of the proposed rule
16 on small entities and the type of small entities that
17 might be affected;

18 “(2) not later than 15 days after the date of re-
19 ceipt of the materials described in paragraph (1),
20 the Chief Counsel shall identify individuals rep-
21 resentative of affected small entities for the purpose
22 of obtaining advice and recommendations from those
23 individuals about the potential impacts of the pro-
24 posed rule;

1 “(3) the agency shall convene a review panel for
2 such rule consisting wholly of full time Federal em-
3 ployees of the office within the agency responsible
4 for carrying out the proposed rule, the Office of In-
5 formation and Regulatory Affairs within the Office
6 of Management and Budget, and the Chief Counsel;

7 “(4) the panel shall review any material the
8 agency has prepared in connection with this chapter,
9 including any draft proposed rule, collect advice and
10 recommendations of each individual small entity rep-
11 resentative identified by the agency after consulta-
12 tion with the Chief Counsel, on issues related to sub-
13 sections 603(b), paragraphs (3), (4) and (5) and
14 603(c);

15 “(5) not later than 60 days after the date a
16 covered agency convenes a review panel pursuant to
17 paragraph (3), the review panel shall report on the
18 comments of the small entity representatives and its
19 findings as to issues related to subsections 603(b),
20 paragraphs (3), (4) and (5) and 603(c), provided
21 that such report shall be made public as part of the
22 rulemaking record; and

23 “(6) where appropriate, the agency shall modify
24 the proposed rule, the initial regulatory flexibility

1 analysis or the decision on whether an initial regu-
2 latory flexibility analysis is required.

3 “(c) An agency may in its discretion apply subsection
4 (b) to rules that the agency intends to certify under sub-
5 section 605(b), but the agency believes may have a greater
6 than de minimis impact on a substantial number of small
7 entities.

8 “(d) For purposed of this section, the term covered
9 agency means the Environmental Protection Agency and
10 the Occupational Safety and Health Administration of the
11 Department of Labor.

12 “(e) The Chief Counsel for Advocacy, in consultation
13 with the individuals identified in subsection (b)(2), and
14 with the Administrator of the Office of Information and
15 Regulatory Affairs within the Office of Management and
16 Budget, may waive the requirements of subsections (b)(3),
17 (b)(4), and (b)(5) by including in the rulemaking record
18 a written finding, with reasons therefor, that those re-
19 quirements would not advance the effective participation
20 of small entities in the rulemaking process. For purposes
21 of this subsection, the factors to be considered in making
22 such a finding are as follows:

23 “(1) In developing a proposed rule, the extent
24 to which the covered agency consulted with individ-
25 uals representative of affected small entities with re-

1 spect to the potential impacts of the rule and took
2 such concerns into consideration.

3 “(2) Special circumstances requiring prompt is-
4 suance of the rule.

5 “(3) Whether the requirements of subsection
6 (b) would provide the individuals identified in sub-
7 section (b)(2) with a competitive advantage relative
8 to other small entities.”.

9 (b) SMALL BUSINESS ADVOCACY CHAIRPERSONS.—
10 Not later than 30 days after the date of enactment of this
11 Act, the head of each covered agency that has conducted
12 a final regulatory flexibility analysis shall designate a
13 small business advocacy chairperson using existing person-
14 nel to the extent possible, to be responsible for implement-
15 ing this section and to act as permanent chair of the agen-
16 cy’s review panels established pursuant to this section.

17 **SEC. 245. EFFECTIVE DATE.**

18 This subtitle shall become effective on the expiration
19 of 90 days after the date of enactment of this subtitle,
20 except that such amendments shall not apply to interpre-
21 tative rules for which a notice of proposed rulemaking was
22 published prior to the date of enactment.

1 **Subtitle E—Congressional Review**

2 **SEC. 251. CONGRESSIONAL REVIEW OF AGENCY RULE-** 3 **MAKING.**

4 Title 5, United States Code, is amended by inserting
5 immediately after chapter 7 the following new chapter:

6 **“CHAPTER 8—CONGRESSIONAL REVIEW** 7 **OF AGENCY RULEMAKING**

“Sec.

“801. Congressional review.

“802. Congressional disapproval procedure.

“803. Special rule on statutory, regulatory, and judicial deadlines.

“804. Definitions.

“805. Judicial review.

“806. Applicability; severability.

“807. Exemption for monetary policy.

“808. Effective date of certain rules.

8 **“§ 801. Congressional review**

9 “(a)(1)(A) Before a rule can take effect, the Federal
10 agency promulgating such rule shall submit to each House
11 of the Congress and to the Comptroller General a report
12 containing—

13 “(i) a copy of the rule;

14 “(ii) a concise general statement relating to the
15 rule, including whether it is a major rule; and

16 “(iii) the proposed effective date of the rule.

17 “(B) On the date of the submission of the report
18 under subparagraph (A), the Federal agency promulgating
19 the rule shall submit to the Comptroller General and make
20 available to each House of Congress—

1 “(i) a complete copy of the cost-benefit analysis
2 of the rule, if any;

3 “(ii) the agency’s actions relevant to sections
4 603, 604, 605, 607, and 609;

5 “(iii) the agency’s actions relevant to sections
6 202, 203, 204, and 205 of the Unfunded Mandates
7 Reform Act of 1995; and

8 “(iv) any other relevant information or require-
9 ments under any other Act and any relevant Execu-
10 tive Orders.

11 “(C) Upon receipt of a report submitted under sub-
12 paragraph (A), each House shall provide copies of the re-
13 port to the Chairman and Ranking Member of each stand-
14 ing committee with jurisdiction under the rules of the
15 House of Representatives or the Senate to report a bill
16 to amend the provision of law under which the rule is is-
17 sued.

18 “(2)(A) The Comptroller General shall provide a re-
19 port on each major rule to the committees of jurisdiction
20 in each House of the Congress by the end of 15 calendar
21 days after the submission or publication date as provided
22 in section 802(b)(2). The report of the Comptroller Gen-
23 eral shall include an assessment of the agency’s compli-
24 ance with procedural steps required by paragraph (1)(B).

1 “(B) Federal agencies shall cooperate with the Comp-
2 troller General by providing information relevant to the
3 Comptroller General’s report under subparagraph (A).

4 “(3) A major rule relating to a report submitted
5 under paragraph (1) shall take effect on the latest of—

6 “(A) the later of the date occurring 60 days
7 after the date on which—

8 “(i) the Congress receives the report sub-
9 mitted under paragraph (1); or

10 “(ii) the rule is published in the Federal
11 Register, if so published;

12 “(B) if the Congress passes a joint resolution of
13 disapproval described in section 802 relating to the
14 rule, and the President signs a veto of such resolu-
15 tion, the earlier date—

16 “(i) on which either House of Congress
17 votes and fails to override the veto of the Presi-
18 dent; or

19 “(ii) occurring 30 session days after the
20 date on which the Congress received the veto
21 and objections of the President; or

22 “(C) the date the rule would have otherwise
23 taken effect, if not for this section (unless a joint
24 resolution of disapproval under section 802 is en-
25 acted).

1 “(4) Except for a major rule, a rule shall take effect
2 as otherwise provided by law after submission to Congress
3 under paragraph (1).

4 “(5) Notwithstanding paragraph (3), the effective
5 date of a rule shall not be delayed by operation of this
6 chapter beyond the date on which either House of Con-
7 gress votes to reject a joint resolution of disapproval under
8 section 802.

9 “(b)(1) A rule shall not take effect (or continue), if
10 the Congress enacts a joint resolution of disapproval, de-
11 scribed under section 802, of the rule.

12 “(2) A rule that does not take effect (or does not
13 continue) under paragraph (1) may not be reissued in sub-
14 stantially the same form, and a new rule that is substan-
15 tially the same as such a rule may not be issued, unless
16 the reissued or new rule is specifically authorized by a law
17 enacted after the date of the joint resolution disapproving
18 the original rule.

19 “(c)(1) Notwithstanding any other provision of this
20 section (except subject to paragraph (3)), a rule that
21 would not take effect by reason of subsection (a)(3) may
22 take effect, if the President makes a determination under
23 paragraph (2) and submits written notice of such deter-
24 mination to the Congress.

1 “(2) Paragraph (1) applies to a determination made
2 by the President by Executive Order that the rule should
3 take effect because such rule is—

4 “(A) necessary because of an imminent threat
5 to health or safety or other emergency;

6 “(B) necessary for the enforcement of criminal
7 laws;

8 “(C) necessary for national security; or

9 “(D) issued pursuant to any statute implement-
10 ing an international trade agreement.

11 “(3) An exercise by the President of the authority
12 under this subsection shall have no effect on the proce-
13 dures under section 802 or the effect of a joint resolution
14 of disapproval under this section.

15 “(d)(1) In addition to the opportunity for review oth-
16 erwise provided under this chapter, in the case of any rule
17 for which a report was submitted in accordance with sub-
18 section (a)(1)(A) during the period beginning on the date
19 occurring—

20 “(A) in the case of the Senate, 60 session days,
21 or

22 “(B) in the case of the House of Representa-
23 tives, 60 legislative days,

24 before the date the Congress adjourns a session of Con-
25 gress through the date on which the same or succeeding

1 Congress first convenes its next session, section 802 shall
2 apply to such rule in the succeeding session of Congress.

3 “(2)(A) In applying section 802 for purposes of such
4 additional review, a rule described under paragraph (1)
5 shall be treated as though—

6 “(i) such rule were published in the Federal
7 Register (as a rule that shall take effect) on—

8 “(I) in the case of the Senate, the 15th
9 session day, or

10 “(II) in the case of the House of Rep-
11 resentatives, the 15th legislative day,
12 after the succeeding session of Congress first con-
13 venes; and

14 “(ii) a report on such rule were submitted to
15 Congress under subsection (a)(1) on such date.

16 “(B) Nothing in this paragraph shall be construed
17 to affect the requirement under subsection (a)(1) that a
18 report shall be submitted to Congress before a rule can
19 take effect.

20 “(3) A rule described under paragraph (1) shall take
21 effect as otherwise provided by law (including other sub-
22 sections of this section).

23 “(e)(1) For purposes of this subsection, section 802
24 shall also apply to any major rule promulgated between

1 March 1, 1996, and the date of the enactment of this
2 chapter.

3 “(2) In applying section 802 for purposes of Congres-
4 sional review, a rule described under paragraph (1) shall
5 be treated as though—

6 “(A) such rule were published in the Federal
7 Register on the date of enactment of this chapter;
8 and

9 “(B) a report on such rule were submitted to
10 Congress under subsection (a)(1) on such date.

11 “(3) The effectiveness of a rule described under para-
12 graph (1) shall be as otherwise provided by law, unless
13 the rule is made of no force or effect under section 802.

14 “(f) Any rule that takes effect and later is made of
15 no force or effect by enactment of a joint resolution under
16 section 802 shall be treated as though such rule had never
17 taken effect.

18 “(g) If the Congress does not enact a joint resolution
19 of disapproval under section 802 respecting a rule, no
20 court or agency may infer any intent of the Congress from
21 any action or inaction of the Congress with regard to such
22 rule, related statute, or joint resolution of disapproval.

23 **“§ 802. Congressional disapproval procedure**

24 “(a) For purposes of this section, the term ‘joint res-
25 olution’ means only a joint resolution introduced in the

1 period beginning on the date on which the report referred
2 to in section 801(a)(1)(A) is received by Congress and
3 ending 60 days thereafter (excluding days either House
4 of Congress is adjourned for more than 3 days during a
5 session of Congress), the matter after the resolving clause
6 of which is as follows: ‘That Congress disapproves the rule
7 submitted by the relating to , and such rule
8 shall have no force or effect.’ (The blank spaces being ap-
9 propriately filled in).

10 “(b)(1) A joint resolution described in subsection (a)
11 shall be referred to the committees in each House of Con-
12 gress with jurisdiction.

13 “(2) For purposes of this section, the term ‘submis-
14 sion or publication date’ means the later of the date on
15 which—

16 “(A) the Congress receives the report submitted
17 under section 801(a)(1); or

18 “(B) the rule is published in the Federal Reg-
19 ister, if so published.

20 “(c) In the Senate, if the committee to which is re-
21 ferred a joint resolution described in subsection (a) has
22 not reported such joint resolution (or an identical joint
23 resolution) at the end of 20 calendar days after the sub-
24 mission or publication date defined under subsection
25 (b)(2), such committee may be discharged from further

1 consideration of such joint resolution upon a petition sup-
2 ported in writing by 30 Members of the Senate, and such
3 joint resolution shall be placed on the calendar.

4 “(d)(1) In the Senate, when the committee to which
5 a joint resolution is referred has reported, or when a com-
6 mittee is discharged (under subsection (c)) from further
7 consideration of a joint resolution described in subsection
8 (a), it is at any time thereafter in order (even though a
9 previous motion to the same effect has been disagreed to)
10 for a motion to proceed to the consideration of the joint
11 resolution, and all points of order against the joint resolu-
12 tion (and against consideration of the joint resolution) are
13 waived. The motion is not subject to amendment, or to
14 a motion to postpone, or to a motion to proceed to the
15 consideration of other business. A motion to reconsider the
16 vote by which the motion is agreed to or disagreed to shall
17 not be in order. If a motion to proceed to the consideration
18 of the joint resolution is agreed to, the joint resolution
19 shall remain the unfinished business of the Senate until
20 disposed of.

21 “(2) In the Senate, debate on the joint resolution,
22 and on all debatable motions and appeals in connection
23 therewith, shall be limited to not more than 10 hours,
24 which shall be divided equally between those favoring and
25 those opposing the joint resolution. A motion further to

1 limit debate is in order and not debatable. An amendment
2 to, or a motion to postpone, or a motion to proceed to
3 the consideration of other business, or a motion to recom-
4 mit the joint resolution is not in order.

5 “(3) In the Senate, immediately following the conclu-
6 sion of the debate on a joint resolution described in sub-
7 section (a), and a single quorum call at the conclusion of
8 the debate if requested in accordance with the rules of the
9 Senate, the vote on final passage of the joint resolution
10 shall occur.

11 “(4) Appeals from the decisions of the Chair relating
12 to the application of the rules of the Senate to the proce-
13 dure relating to a joint resolution described in subsection
14 (a) shall be decided without debate.

15 “(e) In the Senate the procedure specified in sub-
16 section (c) or (d) shall not apply to the consideration of
17 a joint resolution respecting a rule—

18 “(1) after the expiration of the 60 session days
19 beginning with the applicable submission or publica-
20 tion date, or

21 “(2) if the report under section 801(a)(1)(A)
22 was submitted during the period referred to in sec-
23 tion 801(d)(1), after the expiration of the 60 session
24 days beginning on the 15th session day after the
25 succeeding session of Congress first convenes.

1 “(f) If, before the passage by one House of a joint
2 resolution of that House described in subsection (a), that
3 House receives from the other House a joint resolution
4 described in subsection (a), then the following procedures
5 shall apply:

6 “(1) The joint resolution of the other House
7 shall not be referred to a committee.

8 “(2) With respect to a joint resolution described
9 in subsection (a) of the House receiving the joint
10 resolution—

11 “(A) the procedure in that House shall be
12 the same as if no joint resolution had been re-
13 ceived from the other House; but

14 “(B) the vote on final passage shall be on
15 the joint resolution of the other House.

16 “(g) This section is enacted by Congress—

17 “(1) as an exercise of the rulemaking power of
18 the Senate and House of Representatives, respec-
19 tively, and as such it is deemed a part of the rules
20 of each House, respectively, but applicable only with
21 respect to the procedure to be followed in that
22 House in the case of a joint resolution described in
23 subsection (a), and it supersedes other rules only to
24 the extent that it is inconsistent with such rules; and

1 “(2) with full recognition of the constitutional
2 right of either House to change the rules (so far as
3 relating to the procedure of that House) at any time,
4 in the same manner, and to the same extent as in
5 the case of any other rule of that House.

6 **“§ 803. Special rule on statutory, regulatory, and judi-**
7 **cial deadlines**

8 “(a) In the case of any deadline for, relating to, or
9 involving any rule which does not take effect (or the effec-
10 tiveness of which is terminated) because of enactment of
11 a joint resolution under section 802, that deadline is ex-
12 tended until the date 1 year after the date of enactment
13 of the joint resolution. Nothing in this subsection shall be
14 construed to affect a deadline merely by reason of the
15 postponement of a rule’s effective date under section
16 801(a).

17 “(b) The term ‘deadline’ means any date certain for
18 fulfilling any obligation or exercising any authority estab-
19 lished by or under any Federal statute or regulation, or
20 by or under any court order implementing any Federal
21 statute or regulation.

22 **“§ 804. Definitions**

23 “For purposes of this chapter—

24 “(1) The term ‘Federal agency’ means any
25 agency as that term is defined in section 551(1).

1 “(2) The term “major rule” means any rule
2 that the Administrator of the Office of Information
3 and Regulatory Affairs of the Office of Management
4 and Budget finds has resulted in or is likely to re-
5 sult in—

6 “(A) an annual effect on the economy of
7 \$100,000,000 or more;

8 “(B) a major increase in costs or prices for
9 consumers, individual industries, Federal,
10 State, or local government agencies, or geo-
11 graphic regions; or

12 “(C) significant adverse effects on competi-
13 tion, employment, investment, productivity, in-
14 novation, or on the ability of United States-
15 based enterprises to compete with foreign-based
16 enterprises in domestic and export markets.

17 The term does not include any rule promulgated
18 under the Telecommunications Act of 1996 and the
19 amendments made by that Act.

20 “(3) The term ‘rule’ has the meaning given
21 such term in section 551, except that such term does
22 not include—

23 “(A) any rule of particular applicability,
24 including a rule that approves or prescribes for
25 the future rates, wages, prices, services, or al-

1 lowances therefor, corporate or financial struc-
2 tures, reorganizations, mergers, or acquisitions
3 thereof, or accounting practices or disclosures
4 bearing on any of the foregoing;

5 “(B) any rule relating to agency manage-
6 ment or personnel; or

7 “(C) any rule of agency organization, pro-
8 cedure, or practice that does not substantially
9 affect the rights or obligations of non-agency
10 parties.

11 **“§ 805. Judicial review**

12 “No determination, finding, action, or omission under
13 this chapter shall be subject to judicial review.

14 **“§ 806. Applicability; severability**

15 “(a) This chapter shall apply notwithstanding any
16 other provision of law.

17 “(b) If any provision of this chapter or the applica-
18 tion of any provision of this chapter to any person or cir-
19 cumstance, is held invalid, the application of such provi-
20 sion to other persons or circumstances, and the remainder
21 of this chapter, shall not be affected thereby.

22 **“§ 807. Exemption for monetary policy**

23 “Nothing in this chapter shall apply to rules that con-
24 cern monetary policy proposed or implemented by the

1 Board of Governors of the Federal Reserve System or the
 2 Federal Open Market Committee.

3 **“§ 808. Effective date of certain rules**

4 “Notwithstanding section 801—

5 “(1) any rule that establishes, modifies, opens,
 6 closes, or conducts a regulatory program for a com-
 7 mercial, recreational, or subsistence activity related
 8 to hunting, fishing, or camping, or

9 “(2) any rule which an agency for good cause
 10 finds (and incorporates the finding and a brief state-
 11 ment of reasons therefor in the rule issued) that no-
 12 tice and public procedure thereon are impracticable,
 13 unnecessary, or contrary to the public interest,
 14 shall take effect at such time as the Federal agency pro-
 15 mulgating the rule determines.”.

16 **SEC. 252. EFFECTIVE DATE.**

17 The amendment made by section 351 shall take effect
 18 on the date of enactment of this Act.

19 **SEC. 253. TECHNICAL AMENDMENT.**

20 The table of chapters for part I of title 5, United
 21 States Code, is amended by inserting immediately after
 22 the item relating to chapter 7 the following:

“8. Congressional Review of Agency Rulemaking 801”.

1 **TITLE III—PUBLIC DEBT LIMIT**

2 **SEC. 301. INCREASE IN PUBLIC DEBT LIMIT.**

3 Subsection (b) of section 3101 of title 31, United
4 States Code, is amended by striking the dollar limitation
5 contained in such subsection and inserting
6 “\$5,500,000,000,000”.

 Passed the House of Representatives March 28,
1996.

Attest:

ROBIN H. CARLE,
Clerk.